

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 N, Closed Area No. 57-A, Pleasant Point, Perry, promulgated on August 17, 1971:

TEXT OF RULE: DMR Regulation 95.09 N, Closed Area No. 57-A : Pleasant Point, Perry and Kendall Head, Eastport

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any quahogs, clams, oysters or mussels taken from the shores, flats and waters of:
 - a. Pleasant Point, Perry; Inside a triangle bordered by a line beginning at the easternmost tip of Frost Point; then extending easterly to the southern most tip of Clam Cove Head, Deer Isle, New Brunswick, Canada; then runs southwesterly to the most southern end of the Maine Central Railroad right of way causeway rock sea wall, Pleasant Point; and then follows the high tide shoreline, northerly, to Frost Point. This closure extends eastward to the US-Canadian international border.
 - b. Kendall Point, Eastport; Inside a triangle bordered by a line beginning at a red-painted post on the east end of the Carlow Island-Quoddy Village causeway; then extending northeasterly to the southern most tip of Clam Cove Head, Deer Isle, New Brunswick, Canada; then runs southerly to a red-painted post located at the most eastern tip of Kendall Head; and then follows the high tide shoreline, northwesterly, to the Carlow Island-Quoddy Village causeway red-painted post. This closure extends northeastward to the US-Canadian international border.
 - c. **EXCEPTION:** The harvest of Ocean (mahogany) Quahogs, (*Artica islandica*) shall be permitted within Maine state waters eastward of a line that extends southeast from Gleason Point to Frost Ledge and continues to the eastern most tip of Kendall Head.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

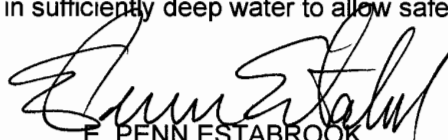
EFFECTIVE DATE: October 29, 1997

AGENCY CONTACT PERSON: Paul S. Anderson
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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources promulgates the emergency DMR Regulation 95.09 N, Closed Area No. 57-A, Pleasant Point, Perry and Kendall Head, Eastport. This new regulation closes these shellfish harvesting areas due to the public health risk from the Quoddy Village Wastewater Treatment Facility and the Passamaquoddy Pleasant Point Reservation Wastewater Treatment Facility out falls. An exception to this rule allows the harvest of Ocean Quahogs in Maine waters east of a line that extends south from Gleason Point, Perry to Frost Ledge to Kendall Head, Eastport. Ocean Quahogs in this area are in sufficiently deep water to allow safe harvest.


E. PENN ESTABROOK
DEPUTY COMMISSIONER



Department of Marine Resources

Legal Notice of Shellfish Closure Area C57-A Pleasant Point, Perry and Kendall Head, Eastport

